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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/325,423

06/04/1999

SYED S. ALI

ALI-12-8-1

2792

7590

06/29/2004

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

17

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/325,423

Applicant(s)

ALI ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-25 rejected under 35 U.S.C. 102(e) as being anticipated by Janow, Patent #6,061,570.**

Regarding claim 1, Janow teaches a notification module for a voice messaging system, comprising:

a Caller ID information detector/receiver to detect and receive Caller ID information regarding incoming telephone calls(any system 10-20 of Fig.1 and col.2 lines 45-48);

an auto dialing calling module adapted to initiate a communication with a user at a remote location (20 or 22 Fig.1, col.2 lines 14-20, 41-54 and col.4 lines 2-44) .

a table associating particular events with a need for notification of said user(col.2 lines 30-48) and

a controller to activate said auto dialing calling module to send a notification message to said user upon satisfaction of a particular event based on Caller ID information (50 Fig.1 and col.2 lines 8-54, and col.3 lines 4-52).

wherein said satisfaction of said particular event is determined based on a comparison of one of more entries in said table to call related information contained in a log (100-104 Fig.2, col.2 lines 41-54, and col.3 lines 4-52).

Regarding claims 3 and 4, Janow teaches the notification module for a voice messaging system according to claim 1, wherein:

said particular events include a occurrence of a predetermined number of telephone calls within a range of time from a particular caller (col.2 lines 45-54).

Regarding claim 5, Janow teaches the notification module for a voice messaging system according to claim 1, wherein:

said particular events include a predetermined number of telephone calls from any party within a predetermined range of time (col.2 lines 45-54; the predetermined number is one call).

Regarding claims 6 and 7, Janow teaches the notification module for a voice messaging system according to claim 1, further comprising:  
an audible notification message to be communicated to said remote user (col.2 lines 55-67; a telephone ring is audible).

Regarding claim 8, Janow teaches the notification module for a voice messaging system according to claim 6, wherein:  
said notification message is a textual message (11 Fig.1 and col.1 lines 31-37; email is textual).

Regarding claims 9 and 10, Janow teaches the notification module for a voice messaging system according to claim 1, further comprising:

a remote notification designation identifying a telephone number/communication address of said remote user (col.1 lines 55-64 and col.3 lines 45-58).

Regarding claim 11, Janow teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication is provided by establishment of a telephone call (col.1 lines 55-64 and col.3 lines 45-58).

Regarding claim 12, Janow teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication includes transmission of information over the Internet (13 Fig.1 and col.1 lines 31-37).

Regarding claim 13, Janow teaches the notification module for a voice messaging system according to claim 10, wherein:  
said communication is an email message (11 Fig.1 and col.1 lines 31-37).

Regarding claim 14, Janow teaches the notification module for a voice messaging system according to claim 10, wherein:  
said voice messaging system is a telephone answering device (20-22, 50 Fig.1 and Fig.2 ; a device is understood to answer a telephone call).

Regarding claim 15, Janow teaches the notification module for a voice messaging system according to claim 1, further comprising:  
a call related information detector/receiver to detect and receive call relating information regarding incoming telephone calls (col.2 lines 41-54 and col.3 lines 4-21).

**Regarding claim 16, Janow** teaches a method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising:

logging a plurality of entries of Caller ID information as it is received by said voice messaging system (col.1 lines 38-41 and col.2 lines 30-40, and col.5 lines 29-36);

reviewing said plurality of entries of logged Caller ID information for satisfaction of a predetermined event by one or more of said incoming calls based on said logged Caller ID information and calling a remote user with a notification message in response to satisfaction of said predetermined event (col.1 lines 45-64, col.2 lines 41-54, and col.3 lines 4-52).

**Regarding claims 17 and 18, Janow** teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said remote user is notified by the establishment of a telephone call from said voice message system (col.3 lines 36-52).

**Regarding claim 19, Janow** teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said remote user is notified with a textual notification message (11 Fig.1 and col.1 lines 31-37; email is textual).

Regarding claim 20, Janow teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said textual notification message is an email message (11 Fig.1 and col.1 lines 31-37).

Regarding claim 21, Janow teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said call related information is Caller ID information (col.2 lines 45-48 and col.3 lines 4-21).

Regarding claim 22, Janow teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said voice messaging system is a telephone answering device (20-22, 50 Fig.1 and Fig.2 ; a device is understood to answer a telephone call).

Regarding claim 23, Janow teaches an Apparatus for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising:  
means for logging a plurality of entries of Caller ID information as it is received by said voice messaging system(col.1 lines 38-41 and col.2 lines 30-40, and col.5 lines 29-36);

means for reviewing said plurality of entries of logged Caller ID information for satisfaction of a predetermined event by one or more of said incoming calls based on said logged Caller ID information(col.1 lines 45-64 and col.2 lines 45-48); and means for notifying a remote user with a notification message in response to satisfaction of said predetermined event (col.2 lines 30-54, and col.3 lines 4-52).

**Regarding claim 24, Janow** teaches a telephone answering device (50 Fig.1) comprising:  
a Caller ID information detector/receiver to detect and receive Caller ID information regarding incoming telephone calls(any system 10-20 of Fig.1 and col.2 lines 45-48);  
a controller(20-22, 50 Fig.1) and voice recorder/playback module (10 and 50 fig.1); and  
a calling module activated by receipt of predetermined Caller ID information (20, 22 Fig.1), said calling module being adapted to initiate a telephone call to a predetermined notification telephone number upon satisfaction of a predetermined event based on received Caller ID information to notify a remote user with a notification message (col.2 lines 30-54 and col.3 lines 36-52)

**Regarding claim 25, Janow** teaches the telephone answering device according to claim 24, wherein:

said calling module is further adapted to provide a notification message to a party answering said predetermined notification telephone number (col.3 lines 36-52).

### ***Response to Arguments***

2. Applicant's arguments filed 04/14/04 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain



features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Caller ID subscription service provided by a telephone company and Caller ID info sent irregardless if a caller's message was left) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

More specifically, Applicant argues that the prior art of record, Janow, does not teach sending a notification message to a user upon satisfaction of a particular event based on Caller ID information. It is noted that Caller ID information can be any information that identifies the caller; Janow col.2 lines 45-48 teaches information that identifies the caller and upon satisfaction of a particular criteria(identity of sender), the system sends a notification to a user.

Furthermore regarding claims 16-23, in addition to the Caller ID arguments above, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., after a plurality of messages have been received, reviewing said plurality of messages) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Janow teaches logging a plurality of entries and reviewing said plurality of logged entries of Caller ID information for satisfaction of an event (col.1 lines 38-47, col.2 lines 45-48, and col.5 lines 30-36).

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
June 15, 2004



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